

REMARKS

In paragraph 3 of the Action, claims 4, 5, 7 and 8 were rejected under 35 U.S.C. 102(b) as being anticipated by Johnson.

In view of the rejections, claim 4 has been amended. Also, new claims 9-12 have been filed.

A toilet paper holder of the invention basically comprises a roll paper retainer including a back plate and a pair of holding members projecting forwardly from the back plate and having supporting members for rotatably supporting roll paper therebetween, and a holding plate for cutting roll paper.

In the invention, the roll paper retainer further includes guide portions formed at lateral sides of the holding members adjacent to the back plate. Namely, the guide portions must be located adjacent to the back plate.

Also, in the invention, the holding plate includes a rear plate extending parallel to the back plate and vertically slidably fitted in the guide portions, and an upper plate projecting forwardly from the rear plate to move vertically together with the rear plate. The upper plate has a distal end portion positioned substantially on a line between the supporting members.

In Johnson, a paper holder and cutter includes a supporting frame C having a plate-like portion fastened to a side wall (page 1, lines 85-86) and plugs B for supporting a roll A (page 1, lines 79-80). Vertical extensions D with slots are provided at projecting portions of the supporting frame C. A cutter bar E having a cutter d is placed on the roll A, and is held in engagement with the slotted portions by studs projecting from each end of the cutter bar into the slotted portions of the metallic frame (page 1, line 101 to page 2, line 3). In the embodiment, a drag bar F is connected to the cutter bar E and holds the cutter bar E to the slotted portions.

In the invention, the guide portions are formed at lateral sides of the holding members adjacent to the back plate. In paragraph 3 of the Action, it was held that Johnson has guide portions D, i.e. vertical extensions D. However, the vertical extensions D extend upwardly from the supporting frame C away from a back plate or rear wall, i.e. not formed at the lateral sides of the holding members adjacent to the back plate, as recited in claim 4. The vertical extensions D do not constitute the guide portions of the invention.

Also, in the invention, the holding plate includes the rear plate extending parallel to the back plate and vertically slidably fitted in the guide portions. In paragraph 3 of the Action, it was held that Johnson has holding plate E, F, and rear plate starts at the point where element F is connected to plate E. However, numeral F is the drag bar pivotally connected to the cutter bar E. Namely, the drag bar F does not extend parallel to the back plate and vertically slidably fitted in the guide portions formed at the lateral sides of the holding members adjacent to the back plate, as recited in claim 4. The drag bar F does not constitute the rear plate of the invention.

In the invention, further, the upper plate projects forwardly from the rear plate to move vertically together with the rear plate. In Johnson, the cutter bar E does not project forwardly from the rear plate.

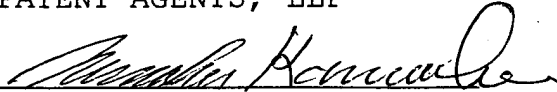
A rejection based on 35 U.S.C. 102 requires every element of the claim to be included in the reference, either directly or inherently. The elements or members as recited in claim 4 of the invention are not disclosed in Johnson. The invention is patentable over Johnson.

Reconsideration and allowance are earnestly solicited.

A two month extension of time is hereby requested. A credit card authorization form in the amount of \$210.00 is attached herewith for the two month extension of time.

Respectfully Submitted,

HAUPTMAN KANESAKA BERNER
PATENT AGENTS, LLP

By 
Manabu Kanesaka
Reg. No. 31,467
Agent for Applicants

1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 519-9785